

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: ASBESTOS PRODUCTS	:	
LIABILITY LITIGATION (No. VI)	:	Civil Action No:
	:	MDL 875
This Document Relates Only to the	:	
Cases Identified on the Attached List	:	
(Hereinafter referred to as CVLO-1)	:	

**CASE MANAGEMENT AND SCHEDULING ORDER FOR CVLO-1**

On May 4, 2009 the Presiding Judge of the MDL 875 referred over 5000 cases in the MDL 875, where plaintiffs were represented by Cascino Vaughan Law Offices, to Senior Judge Lowell A. Reed as Court Annexed Mediator. That effort resulted in the resolution of over 3000 cases.<sup>1</sup> On April 18, 2011, anticipating the retirement of Senior Judge Reed, the matters were referred to this United States Magistrate Judge as Court Annexed Mediator. On June 9, 2011, that role was expanded “to conduct pretrial procedures, supervision of discovery, settlement conferences and preparation for trial.” The Order further provided that the “Magistrate Judge may enter such orders as may be necessary to facilitate these tasks.”

Following upon the substantial efforts of Senior Judge Reed, and my own direct involvement over the last three months, it has become apparent that further efforts to resolve these cases in a limited mediation context will not be productive. While we note that during the two-year mediation process, significant effort was made by the parties to conduct certain discovery in an attempt to

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<sup>1</sup>During the course of mediation, plaintiffs’ counsel agreed to dismiss without prejudice a significant number of cases in which the plaintiff’s medical condition was less severe. We continue to encourage counsel to consider dismissing additional similar cases without prejudice, subject to refiling at a later date upon satisfaction of some objective medical criteria agreed to by the parties. The Court is willing to help facilitate this process in any way possible, including selection of agreeable objective medical criteria that would form the basis for any future refiling of dismissed claims.

provide the information necessary for the parties to assess their settlement positions, certain difficulties between the parties persist and need to be addressed more formally and in the context of specific cases.

Taking into account these difficulties, and following upon consultation with the Presiding Judge with regard to the impact of the litigation on the goals of the MDL-875, we believe that judicial economy, fairness and efficiency dictate that these cases be placed on scheduling orders that allow them to move toward final disposition. This decision has been made after thoughtful consideration, and with significant input from counsel. Both plaintiffs and defendants have provided proposals and suggestions as to the best course of action moving forward, and we have considered their proposals, as well as the history of the litigation, in reaching our decision.

In light of the foregoing, as to the cases identified in Exhibit “A,” **IT IS HEREBY ORDERED THAT** the following discovery and pretrial management deadlines shall apply:

1. Defendants shall file any motions to dismiss based upon noncompliance with Administrative Order No. 12 by: July 29, 2011
2. Plaintiffs shall respond to any such motions to dismiss by: August 5, 2011
3. All medical evidence in plaintiffs’ possession, or that will be presented to, or relied upon by, plaintiffs’ experts, including X-rays, pathology, and 524(g) bankruptcy trust submissions shall be submitted to IKON by: August 1, 2011
4. HIPAA-compliant medical authorizations shall be submitted to the defense by: August 1, 2011
5. All discovery relating to medical diagnosis, including medical records and related records discovery, must be completed by: September 9, 2011

6. Plaintiffs shall file any plaintiff-specific expert reports relating to medical diagnosis by: September 23, 2011
7. Defendants shall file any plaintiff-specific expert reports relating to medical diagnosis by: October 7, 2011
8. Discovery relating to medical diagnosing experts, including depositions, must be completed by: October 21, 2011
9. Any motions *in limine* seeking to exclude medical diagnosing experts must be filed by: October 28, 2011
10. Responses to any motions *in limine* seeking to exclude medical diagnosing experts must be filed by: November 11, 2011
11. Replies to any motions *in limine* seeking to exclude medical diagnosing experts must be filed by: November 18, 2011
12. All remaining fact discovery must be completed by: December 30, 2011
13. Plaintiff's remaining expert reports must be filed by: January 13, 2012
14. Defendants' remaining expert reports must be filed by: January 27, 2012
15. All remaining expert discovery must be completed by: February 10, 2012
16. Any dispositive motions must be filed by: February 24, 2012
17. Responses to any dispositive motions must be filed by: March 9, 2012
18. Replies to any dispositive motions must be filed by: March 16, 2012
19. Responses to requests for documents, and other paper discovery must be served by production to the IKON Depository, and accessed pursuant to Judge Reed's Order of March 28, 2011.
20. Depositions conducted during discovery are to be governed by the Federal Rules of Civil Procedure, as modified by any Deposition Protocol agreed to by the parties and approved by the Court.

21. Discovery is not to occur in any cases filed by Cascino Vaughan Law Offices which have not been placed on a scheduling order (such as the June 9, 2011 Scheduling Order in "Certain Cascino Vaughan Law Offices Cases"). The Court will entertain, however, from any party a request for leave to take a deposition of any individual with relevant information who is suffering from a serious medical condition. Such a deposition is not to be noticed unless leave of court has been given.
22. The role of defense liaison counsel will be to coordinate communications between the defense and the Court and to work with plaintiffs' counsel to come to agreement on broad issues. However, to the extent any party should have a particular objection or issue with regard to any case, that party is free to deal with plaintiffs' counsel directly.
23. A settlement conference, with client representatives to be in attendance in person, shall take place at such time as the Court, upon the recommendations of the parties or otherwise, deems appropriate.

BY THE COURT:

/s/ David R. Strawbridge  
DAVID R. STRAWBRIDGE  
UNITED STATES MAGISTRATE JUDGE

**EXHIBIT A**

Last Name	First Name	PA-ED Case #
Aberle	Glenn	08-CV-91650
Alsene	Delmar	08-CV-92187
Anuszkiewicz	Roman	08-CV-90938
Ayers	Mark	08-CV-91953
Bark	James	10-CV-64542
Barnett	Roscoe	10-CV-68919
Bault	Charles	08-CV-91663
Beach	Laundy	10-CV-68142
Beddow	Merle	08-CV-92239
Beeney	Donald	08-CV-91728
Bell	Orville	08-CV-92260
Bement	James	10-CV-67615
Bennett	Bob	08-CV-91585
Bennett	Clifford	08-CV-90082
Bennett	Jack	10-CV-68968
Black	John	10-CV-68110
Bodine	Richard	08-CV-92055
Branchfield	Del	08-CV-91587
Breeding	Richard	08-CV-90273
Brooks	Ray	08-CV-92194
Brown	Carl	10-CV-68436
Brownlee	Theodore	08-CV-91954
Buchanan	Michael	10-CV-68074
Bugg	William	08-CV-91729
Burton	Alice	08-CV-92139
Burton	William	08-CV-92309
Castros	Arol	08-CV-91760
Centers	Albert	08-CV-90268
Chavez	Richard	08-CV-90342
Cohen	Ronald	09-CV-64755
Cox	Charles	08-CV-91866
Cox	Donald	08-CV-92244
Craddock	John	10-CV-68114
Crain	Paul	08-CV-89841
Craven	John	10-CV-67678
Cripe	George	08-CV-91940
Cromwell	Joseph	08-CV-92301
Cummings	Ronald	10-CV-68902
Dalton	Jack	08-CV-91944
Darling	William	08-CV-92236

Davis	Edgar	08-CV-92201
Deaville	Kenneth	08-CV-92064
Delks	Carol	08-CV-88681
Deters	Cletus	10-CV-64585
Dodd	Carl	08-CV-91578
Dover	Jackie	10-CV-68127
Dual	Monte	08-CV-92314
Dubois	Charles	08-CV-92119
Ebert	Michael	08-CV-89432
Edbrooke	Richard	08-CV-92254
Edwards	Terry	08-CV-92137
Endsley	Robert	08-CV-92025
Estock	Robert	08-CV-92026
Fadler	Donald	08-CV-90220
Fields	William	10-CV-68082
Fisher	Pascal	08-CV-92173
Fonner	Larry	08-CV-92222
Fraboni	Louis	08-CV-91671
Frampton	Kenneth	08-CV-92160
Gabbard	Ben	08-CV-92151
Gabbard	Robert	08-CV-92145
Gaines	James	08-CV-92305
Gard	Leslie	08-CV-91736
Gard	Robert	10-CV-67613
Garecht	Robert	08-CV-92134
Geiger	Gerald	08-CV-91676
Giuliano	William	09-CV-64609
Goetsch	Randall	08-CV-91673
Graves	William	08-CV-92120
Green	Robert	08-CV-92311
Grier	David	08-CV-91657
Grier	John	08-CV-91687
Hamann	Kenneth	08-CV-92181
Harris	Robert	08-CV-91589
Harrison	Hollis	08-CV-92141
Hart	Andrew	08-CV-91674
Hatfield	Bobby	08-CV-92147
Helfers	Carl	08-CV-92196
Helton	Burl	09-CV-61719
Henney	Jean	09-CV-64629
Hess	Roy	08-CV-92180
Hill	John	10-CV-64557
Hockings	Daniel	08-CV-89796

Holden	Michael	08-CV-92154
Horn	Richard	10-CV-68096
Hoskins	Adam	08-CV-89474
Hubert	William	08-CV-92068
Hulmes	Darrell	08-CV-92135
Hutchinson	Jack	08-CV-92157
Hyland	Gerald	08-CV-91862
Irons	Gary	10-CV-68130
Jackson	William	08-CV-92189
Jacobs	Larry	10-CV-68100
Janko	Albert	08-CV-91675
Jennings	Billy	08-CV-91757
Jindressek	Walter	08-CV-91858
Johnson	Dorothy	08-CV-91691
Johnson	Leo	08-CV-91661
Johnson	Richard	08-CV-92122
Kelly	Robert	08-CV-91696
Kennedy	Roy	08-CV-89492
Kittleson	Alfred	08-CV-91887
Knapp	Jimmy	08-CV-91763
Kruse	Patrick	08-CV-91867
La Hood	Harry	10-CV-68131
Lawless	Anthony	08-CV-92161
Liston	Frank	11-CV-66749
Lorentz	Eugene	10-CV-61348
Lower	Garry	10-CV-68129
Manderino	Joseph	09-CV-60695
Marcogliese	Frank	08-CV-89497
Maresca	Joseph	08-CV-90328
Martin	David	10-CV-61109
Matheney	Roy	08-CV-91955
Maulding	Duane	08-CV-92113
May	Dale	08-CV-92116
Mayer	Louis	10-CV-68227
McMahill	Clair	10-CV-68126
Meischner	Donald	09-CV-60645
Meischner	Gisela	08-CV-92192
Meischner	Leonard	08-CV-91758
Meischner	Richard	09-CV-60648
Millard	Eugene	10-CV-68119
Minor	John	08-CV-91969
Moore	George	08-CV-91869
Morr	Lee	08-CV-92152

Morris	David	08-CV-92162
Morthole	Edward	08-CV-91868
Morton	Kenneth	08-CV-92253
Nall	Clyde	08-CV-90084
Nelms	Kenneth	08-CV-91666
Nichols	Gerald	10-CV-68097
Nichols	Leonard	10-CV-68105
O'Boyle	Darrell	10-CV-68087
O'Keefe	Robert	08-CV-92210
Palsgrove	Joseph	08-CV-89373
Peterson	Robert	08-CV-92040
Peterson	William	08-CV-92224
Phares	Millard	10-CV-68866
Phipps	Paul	08-CV-92220
Pierce	James	10-CV-68094
Pittman	Frank	08-CV-89441
Plue	Alvin	08-CV-91596
Plue	Richard	10-CV-68073
Poe	Richard	10-CV-68107
Potts	Stanley	08-CV-91872
Powell	Dale	08-CV-82923
Powell	John	08-CV-92012
Powell	Thomas	08-CV-91885
Prather	James	08-CV-89745
Rasner	Donald	08-CV-92143
Reed	Odell	10-CV-61353
Reinhardt	Gary	08-CV-92131
Reinoehl	Donald	08-CV-89460
Riggs	Irving	08-CV-91762
Rogers	John	08-CV-92167
Sams	Phillip	08-CV-88575
Schlemer	Carl	08-CV-89470
Schroeder	Carl	10-CV-64552
Schuck	Walter	08-CV-92205
Seifert	William	08-CV-92171
Short	Johnnie	08-CV-92164
Smith	Orville	10-CV-68104
Smith	Ronald	08-CV-90287
Snyder	Ameses	08-CV-92225
Spangler	Herbert	08-CV-91882
Sprague	Billy	08-CV-90112
Stariha	William	09-CV-64725
Taylor	James	08-CV-91881



Thomas	Glendel	08-CV-92206
Thurman	Ernest	08-CV-92188
Tonarelli	Russell	08-CV-91665
Tovey	Robert	08-CV-92133
Walker	Clarence	08-CV-92136
Wallman	RJ	08-CV-88587
Ware	William	08-CV-92159
Waterstradt	Henry	08-CV-92045
Weber	Daniel	08-CV-92132
Wesley	Keith	10-CV-64570
White	Donald	08-CV-92036
Whiteman	Robert	08-CV-92299
Williams	Lloyd	08-CV-91588
Williamson	Henry	08-CV-92169
Williamson	Richard	08-CV-91878
Wilson	Merle	08-CV-91879
Winders	Berlie	08-CV-92061
Wittmeyer	Austin	08-CV-91739
Workman	John	10-CV-68071